

Message Text

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EA/J:CKARTMAN

CU:CCHARMAN

CU/EA:MCARIAGA

L/ECP:EMAURER

CU/PPP:DROTH

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FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: OEXC, JA

SUBJECT: CULCON: DRAFT NEW EXCHANGE OF NOTES

REF: TOKYO 1791, 4763

SUMMARY: THIS MESSAGE INCLUDES 1) BACKGROUND TO PROPOSED MODIFICATIONS IN THE EXCHANGE OF NOTES OF NOV. 8, 1968; 2) A PROPOSED TEXT OF A NEW EXCHANGE OF NOTES (AGREEABLE TO AMERICAN PANEL CHAIRMAN HALL); 3) AN EXPLANATION OF EACH PROPOSED MODIFICATION.

ACTION REQUESTED: EMBASSY COMMENTS, IF NONE, REQUEST EMBASSY PROVIDE FOREIGN MINISTRY WITH NEW DRAFT AND OBTAIN THEIR REACTION. DEPARTMENT WOULD LIKE TO HAVE ANY COMMENTS OR SUGGESTED REVISIONS FROM GOJ IN TIME FOR FINAL REVIEW HERE AND IN TOKYO BEFORE CULCON. MODIFICATIONS WOULD BE BRIEFLY DISCUSSED AT CULCON, WITH CONFERENCE RECOMMEND- UNCLASSIFIED

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ING TO TWO GOVERNMENTS LATER OFFICIAL EXCHANGE OF NOTES.
END SUMMARY.

I. BACKGROUND: IN 1961, THE UNITED STATES AND JAPAN

AGREED TO ESTABLISH A "COMMITTEE" TO STUDY EXPANDED CULTURAL AND EDUCATIONAL COOPERATION. IN 1962, THIS COMMITTEE HAD ITS FIRST MEETING IN JAPAN. OFFICIAL CORRESPONDENCE BETWEEN THE TWO GOVERNMENTS AT THAT TIME REFERRED TO THE MEETING AS THE "JAPAN-UNITED STATES CONFERENCE ON CULTURAL AND EDUCATIONAL INTERCHANGE"; AND THIS HAS BEEN THE NAME USED IN SUBSEQUENT YEARS FOR CULCON MEETINGS.

IN 1968, AN EXCHANGE OF NOTES WAS AGREED BY THE TWO GOVERNMENTS, ESTABLISHING A JOINT COMMITTEE ON CULTURAL AND EDUCATIONAL COOPERATION. THE NOTES SPELL OUT IN DETAIL THE ORGANIZATION AND OPERATIONS OF THE JOINT COMMITTEE. HOWEVER, THE NOTES DO NOT REFER SPECIFICALLY TO THE 1961 COMMUNIQUE, TO ITS AGREEMENT TO ESTABLISH A "COMMITTEE", NOR TO THE SUBSEQUENT BIENNIAL MEETINGS OF THE JAPAN-UNITED STATES CONFERENCE ON CULTURAL AND EDUCATIONAL INTERCHANGE, EXCEPT TO STATE THAT THE JOING COMMITTEE "SHALL MEET...IN YEAR JAPAN-UNITED STATES CULTURAL EDUCATIONAL CONFERENCE IS NOT HELD..." (PARA. 3 (A)).

2. OVER THE YEARS, THERE HAVE DEVELOPED IN PRACTICE SOME RELATIVELY MINOR DEPARTURES FROM THE SPECIFIC LANGUAGE OF THE 1968 NOTES. AT THE 1975 KUILIMA JOINT COMMITTEE MEETING, THE ORGANIZATION OF THE JOINT COMMITTEE WAS DISCUSSED AND "IT WAS AGREED TO ASK THE PANEL CHAIRMAN TO CONSIDER WHAT MODIFICATIONS MIGHT BE RECOMMENDED TO CULCON VIII". SUBSEQUENTLY, ON JULY 23, 1975, AMERICAN PANEL CHAIRMAN JOHN HALL WROTE JAPAN PANEL CHAIRMAN YOSHINORI MAEDA, REQUESTING HIS CONCURRENCE IN CERTAIN CHANGES WITH RESPECT TO THE STRUCTURE AND OPERATION OF THE JOING COMMITTEE.

3. WE UNDERSTAND THAT MR. MAEDA AND THE JAPAN PANEL HAVE NO OBJECTIONS TO THE CHANGES HALL SUGGESTED.

4. DURING CU/EA DIRECTOR'S FEBRUARY FOREIGN OFFICE DISCUSSIONS, IT WAS AGREED THAT THE DEPARTMENT WOULD DRAFT UNCLASSIFIED

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LANGUAGE DEALING WITH THE PROPOSED MODIFICATIONS FOR FOREIGN MINISTRY CONSIDERATION, SO THAT BASIC AGREEMENT COULD BE REACHED BY CULCON VIII. CULCON WOULD THEN RECOMMEND THESE MODIFICATIONS TO THE TWO GOVERNMENTS FOR SUBSEQUENT OFFICIAL AGREEMENT THROUGH AN EXCHANGE OF NOTES.

5. THE DRAFT EXCHANGE OF NOTES BELOW WOULD IN NO WAY BE A SUBSTITUTE FOR THE ORIGINAL 1968 NOTES, BUT RATHER WOULD PROVIDE A MORE FLEXIBLE INTERPRETATION OF THE ORIGINAL EXCHANGE. WE SEE NO REASON TO ATTEMPT TO REWRITE THE ENTIRE 1968 DOCUMENT IN ORDER TO MAKE A FEW, ESSENTIALLY TECHNICAL, MODIFICATIONS. THUS, IN THE FUTURE, THE TWO

EXCHANGE OF NOTES WILL APPLY AND SHOULD BE READ TOGETHER.

6. SEVERAL MODIFICATIONS ARE PROPOSED THAT WERE NOT DESCRIBED IN THE JULY 23, 1975 HALL LETTER TO MAEDA. THE REASON FOR SUGGESTING EACH OF THESE IS EXPLAINED IN SECTION III OF THIS MESSAGE.

II. DRAFT EXCHANGE OF NOTES; LANGUAGE FOR A NEW EXCHANGE OF NOTES FOLLOWS:

I HAVE THE HONOR TO REFER TO THE EXCHANGE OF NOTES OF NOVEMBER 8, 1968, BETWEEN OUR TWO GOVERNMENTS RELATING TO THE ESTABLISHMENT OF THE JOING COMMITTEE ON U.S.-JAPAN CULTURAL AND EDUCATIONAL COOPERATION; AND IN CONNECTION THEREWITH, I HAVE THE HONOR ALSO TO REFER TO THE FOLLOWING DOCUMENTS:

-----A. THE JOINT COMMUNIQUE ISSUED IN WASHINGTON ON JUNE 22, 1961, IN WHICH THE TWO COUNTRIES AGREED TO FORM A UNITED STATES - JAPAN COMMITTEE "TO STUDY EXPANDED CULTURAL AND EDUCATIONAL COOPERATION BETWEEN THE TWO COUNTRIES";

-----B. THE NOTE VERBALE FROM THE EMBASSY OF THE UNITED STATES OF AMERICA DATED NOVEMBER 21, 1961, CONCERNING PLANS FOR A MEETING OF A JOINT UNITED STATES - JAPAN CONFERENCE ON CULTURAL AND EDUCATIONAL INTERCHANGE TO CONSIDER THESE RELATIONSHIPS; AND
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-----C. THE NOTE VERBALE IN REPLY FROM THE MINISTRY OF FOREIGN AFFAIRS DATED DECEMBER 26, 1961 AGREEING THAT SUCH CONFERENCE COMMENCE ON JANUARY 25, 1962.

SINCE 1962, SIMILAR CONFERENCES BETWEEN THE TWO COUNTRIES HAVE BEEN HELD EVERY OTHER YEAR.

I HAVE THE HONOR TO PROPOSE CERTAIN CHANGES IN THE EXCHANGE OF NOTES OF NOVEMBER 8, 1968, DESIGNED TO CLARIFY THE RELATIONSHIP BETWEEN THE 1961 COMMUNIQUE (AND SUBSEQUENT NOTES VERBALE) AND THE 1968 EXCHANGE OF NOTES AND TO MAKE CERTAIN OTHER TECHNICAL MODIFICATIONS IN THESE NOTES WHICH HAVE BEEN RECOMMENDED TO BOTH GOVERNMENTS BY THE EIGHTH UNITED STATES-JAPAN CONFERENCE ON CULTURAL AND EDUCATIONAL INTERCHANGE. THESE CHANGES ARE AS FOLLOWS:

-----1. WITH RESPECT TO PARAGRAPH 2A, THE MEMBERSHIP FROM EACH COUNTRY ON THE UNITED STATES - JAPAN COMMITTEE AGREED TO IN THE 1961 COMMUNIQUE SHALL BE THE SAME AS THAT OF THE MEMBERSHIP OF THE JOINT COMMITTEE ON UNITED STATES-JAPAN CULTURAL AND EDUCATIONAL COOPERATION ESTABLISHED IN 1968.

-----2. WITH RESPECT TO PARAGRAPHS 2B AND 2C, THE PROVISIONS RELATING TO THE FIELDS FROM WHICH THE TWELVE MEMBERS OF THE TWO PANELS ARE TO BE DRAWN, AS WELL AS THE NUMBER PER FIELD, SHALL BE CONSIDERED GENERAL GUIDELINES, PROVIDED THAT THE MEMBERSHIP SHALL CONTINUE TO REFLECT THE DIVERSE COMPOSITION OF THESE GUIDELINES, AND PROVIDED THAT IN NO EVENT SHALL THERE BE MORE THAN FOUR MEMBERS FROM THE GOVERNMENT OFFICES OF EITHER COUNTRY.

-----3. WITH RESPECT TO PARAGRAPH 2D, APPOINTMENT, TERMINATIONS, AND REAPPOINTMENT OF PANEL MEMBERS SHALL BE IN ACCORDANCE WITH THE CONSTITUTIONAL PROCESSES AND LAWS OF EACH COUNTRY, BUT APPOINTMENTS AND REAPPOINTMENTS SHALL NOT BE MADE FOR MORE THAN SIX YEARS OF CONSECUTIVE SERVICE.

-----4. WITH RESPECT TO PARAGRAPH 2E, THE CHAIRMAN OF THE TWO PANELS OF THE JOINT COMMITTEE SHALL ALSO BE THE HEADS
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OF THE RESPECTIVE DELEGATIONS TO THE JOINT UNITED STATES - JAPAN CONFERENCE ON CULTURAL AND EDUCATIONAL INTERCHANGE, WHICH SHALL HENCEFORTH BE REFERRED TO AS THE JAPAN - UNITED STATES CONFERENCE ON CULTURAL AND EDUCATIONAL COOPERATION.

-----5. WITH RESPECT TO PARAGRAPH 2F, IT SHALL BE DELETED IN ITS ENTIRETY AND THE FOLLOWING SUBSTITUTED:
---THE CHAIRMEN OF THE TWO PANELS MENTIONED IN PARAGRAPH
---2E SHALL SERVE AS CO-CHAIRMEN FOR ALL MEETINGS OF THE
---JAPAN - UNITED STATES CONFERENCE ON CULTURAL AND EDUCATIONAL COOPERATION AS WELL AS MEETINGS OF THE JOINT
---COMMITTEE.

-----6. WITH RESPECT TO PARAGRAPH 3A, THE NUMBER OF MEMBERS FROM EACH COUNTRY SHALL BE AT LEAST SEVEN. THE JOINT COMMITTEE MEETINGS SHALL TAKE PLACE IN HAWAII. OR IN ANY LOCATION WHICH IS AGREEABLE TO BOTH COUNTRIES.

-----7. WITH RESPECT TO PARAGRAPH 3C, COMMUNICATIONS BETWEEN THE TWO COUNTRIES CONCERNING JOINT COMMITTEE BUSINESS MAY BE CARRIED OUT BY THE CHAIRMEN OF THE TWO PANELS AND BY ORGANIZATIONS WHICH MAY BE DESIGNATED TO PROVIDE SUPPORT FOR THESE MEETINGS AND ACTIVITIES AND BY THE TWO GOVERNMENTS

-----8. RETIRED PANEL MEMBERS WHO HAVE GIVEN EXTRAORDINARY SERVICE TO THE JOINT COMMITTEE AND TO THE JAPAN-UNITED STATES CULTURAL AND EDUCATIONAL CONFERENCE MAY BE DESIGNATED BY EACH PANEL AS HONORARY MEMBERS OF THE JOINT COMMITTEE.

I HAVE THE HONOR FURTHER TO PROPOSE THAT IF YOUR GOVERNMENT CONCURS IN THESE PROPOSALS, YOUR REPLY TO THAT EFFECT AND THE PRESENT NOTE SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO GOVERNMENTS WHICH SHALL TAKE EFFECT ON THE DATE OF YOUR REPLY.

I AVAIL MYSELF OF THE OPPORTUNITY TO RENEW TO YOUR EXCELLENCE THE ASSURANCES OF MY HIGHEST CONSIDERATION.

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MINISTER OF FOREIGN AFFAIRS U.S. AMBASSADOR

III. EXPLANATION OF PROPOSED CHANGES (COMMENTS CORRESPOND TO PARAGRAPH NUMBERS IN PROPOSED EXCHANGE OF NOTES ABOVE)

1. THE RELATIONSHIP BETWEEN THE ORIGINAL COMMITTEE AGREED TO IN 1961 AND THE JOINT COMMITTEE AGREED TO IN 1968 NEEDS CLARIFICATION. IN RECENT CULCONS, BOTH DELEGATIONS HAVE CONSISTED IN LARGE PART OF THE MEMBERS OF THE TWO PANELS ESTABLISHED BY THE 1968 NOTES. WHILE THIS IS LOGICAL, AND MOST DESIRABLE, THERE HAS NEVER BEEN ANY OFFICIAL RECOGNITION THAT THE TWO PANELS WHICH MAKE UP THE JOINT COMMITTEE AND THE TWO DELEGATIONS TO THE CULCON HAVE BECOME-AND INDEED SHOULD BE-ONE AND THE SAME. IN FACT, THERE IS NO OFFICIAL AGREEMENT BETWEEN THE TWO GOVERNMENTS RELATING THE JOINT U.S.-JAPAN CONFERENCE TO CULTURAL AND EDUCATIONAL INTERCHANGE ITSELF TO THE JOINT COMMITTEE WHICH HAS GRADUALLY COME TO BE SEEN BY BOTH SIDES AS THE "STEERING COMMITTEE" FOR THE CULCON. WE BELIEVE THIS SHOULD BE CORRECTED.

2. THIS CHANGE IS ESSENTIALLY THE SAME AS THAT DESCRIBED IN THE HALL LETTER. A CLAUSE HAS BEEN ADDED TO INDICATE THAT WHILE BOTH SIDES DESIRE SOME FLEXIBILITY, THE DIVERSE COMPOSITION OF THE TWO PANELS SHOULD BE CONTINUED.

3. THE SIX-YEAR LIMIT WAS SUGGESTED IN THE HALL LETTER. THE "CONSTITUTION PROCESSES" CLAUSE IS PROPOSED BY THE DEPARTMENT, SINCE AMERICAN PANEL MEMBERS NOW ALSO SERVE BY LAW ON THE FRIENDSHIP COMMISSION, AND AS OFFICERS OF THE U.S. GOVERNMENT, ARE SUBJECT TO APPOINTMENT AND DISMISSAL AT THE DISCRETION OF THE EXECUTIVE.

4. THIS PROPOSED CHANGE FURTHER CLARIFIES THE CONFERENCE-JOINT COMMITTEE RELATIONSHIP BY ASSURING THAT THE TWO DELEGATION HEADS TO CULCON MEETINGS WILL BE THE CHAIRMEN OF THE TWO PANELS OF THE JOINT COMMITTEE, A DEVELOPMENT BOTH SIDES HAVE IN FACT ALREADY PUT INTO PRACTICE. THIS PROPOSED CHANGE WILL HELP ELIMINATE THE CONFUSION IN NOMENCLATURE WHICH HAS DEVELOPED OVER THE YEARS;--THE 1961 COMMUNIQUE CALLED FOR A "COMMITTEE" WHICH WOULD "STUDY EXPANDED CULTURAL AND EDUCATIONAL COOPERATION";

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--THE NOTES VERBALE OF 1961 AND 1962 DESCRIBE THE FIRST MEETING OF THIS COMMITTEE AS A MEETING OF THE JOINT UNITED STATES-JAPAN CONFERENCE ON CULTURAL AND EDUCATIONAL INTERCHANGE"; AND THIS TITLE HAS CONTINUED TO BE USED THROUGH THE YEARS FOR CULCON MEETINGS;

--THE 1968 EXCHANGE OF NOTES ESTABLISHED A "JOINT COMMITTEE ON CULTURAL AND EDUCATIONAL COOPERATION", WHICH IS CONSISTENT WITH THE 1961 COMMUNIQUE.

THE DEPARTMENT'S PROPOSED CHANGE WOULD MERELY MAKE THE TITLE OF CULCON MORE CONSISTENT WITH THE 1961 COMMUNIQUE AND THE 1968 NOTES.

5. THIS PROPOSED CHANGE IS THE ONLY ONE WHICH ACTUALLY WOULD INVOLVE THE DELETION OF CERTAIN LANGUAGE IN THE 1968 NOTES AND THE SUBSTITUTION OF NEW LANGUAGE. FOR SOME YEARS, THE TWO PANEL CHAIRMEN HAVE IN FACT, SERVED AS CO-CHAIRMEN OF THE JOINT COMMITTEE AND OF CULCON MEETINGS. THE CHANGE WOULD REFLECT THE CURRENT CO-CHAIRMEN PRACTICE WHICH EFFECTIVELY SYMBOLIZES THE COOPERATION BETWEEN THE TWO COUNTRIES. BETWEEN MEETINGS OF THE CULCON OR THE JOINT COMMITTEE MEETING, THERE IS NO NEED FOR ONE PANEL TO BE CONSIDERED "CHAIRMAN", THE OTHER "VICE-CHAIRMAN". THIS TOO, HAS NOT BEEN THE ACTUAL PRACTICE.

6. A MAJORITY-OR SEVEN MEMBERS OF EACH PANEL-SHOULD ATTEND JOINT COMMITTEE MEETINGS; BUT THE DEPARTMENT DOES NOT WANT TO BE RESTRICTED TO ONLY SEVEN, IF COMMITTEE BUSINESS WOULD BE BETTER EXECUTED BY MORE THAN SEVEN MEMBERS PRESENT. THE OTHER SUGGESTED MODIFICATION WOULD ENABLE JOINT COMMITTEE TO MEET ELSEWHERE BESIDES HAWAII FROM TIME TO TIME, IN EITHER COUNTRY, THUS HELPING TO BRING CULCON ACTIVITIES TO THE ATTENTION OF A VARIETY OF COMMUNITIES, AND GAINING FURTHER LOCAL INTEREST AND COOPERATION IN THIS WORK.

7. THE FINAL PROPOSED CHANGE MERELY WOULD ACKNOWLEDGE CURRENT PRACTICE, NAMELY THAT COMMUNICATION ON JOINT COMMITTEE BUSINESS TAKES PLACE IN A VARIETY OF WAYS, INCLUDING

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THROUGH DIRECT COMMUNICATION OF THE TWO GOVERNMENTS, AS WELL AS THROUGH THE PANEL CHAIRMEN AND THROUGH ORGANIZATIONS DESIGNATED BY EITHER SIDE SUCH AS THE JAPAN SOCIETY OF NEW YORK.

ACTION REQUESTED: THE DEPARTMENT WOULD WELCOME ANY

SUGGESTED EMBASSY CHANGES AS SOON AS POSSIBLE. IF NONE,
THE DEPARTMENT REQUESTS THE EMBASSY TO PROVIDE THE FOREIGN
MINISTRY WITH THE DRAFT EXCHANGE OF NOTES AND ABOVE
EXPLANATIONS AS NECESSARY. WE WOULD APPRECIATE EARLY GOJ
CONSIDERATIONS OF THESE CHANGES, SO THAT CULCON VIII WILL
BE ABLE TO RECOMMEND THEM TO THE RESPECTIVE GOVERNMENTS,
PAVING THE WAY FOR A SUBSEQUENT, NEW EXCHANGE OF NOTES.
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